

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

No. 2:16-cv-00209-DBH

SECURITIES AND EXCHANGE)
COMMISSION)
)
Plaintiff)
)
v.) **JUDGMENT UPON DEFAULT**
ERIC D. JACOBS) **AGAINST DEFENDANTS ERIC**
) **D. JACOBS AND ACADIA ASSET**
and) **MANAGEMENT, LLC**
) **(RULE 55(b)(2) FED. R. CIV.**
ACADIA ASSET MANAGEMENT, LLC) **PROC.)**
)
Defendants)

Upon the application of the Plaintiff Securities and Exchange Commission (the “Commission”) for a Judgment enforcing compliance by the Defendants Eric D. Jacobs (“Jacobs”) and Acadia Asset Management, LLC (“Acadia”) with the final Commission order entered against Jacobs and Acadia on August 11, 2015 (the “Commission Order”), and the Clerk having noted that Jacobs and Acadia were in default for failure to answer or otherwise defend this action, and the Commission having moved for the entry of Judgment, and the Court finding that Judgment should enter, it is hereby:

I.

ORDERED, ADJUDGED, AND DECREED that pursuant to Section 20(c) of the Securities Act of 1933, 15 U.S.C. § 77t(c), Section 21(e)(1) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u(e)(1), and Section 209(d) of the Investment Advisers Act of 1940, 15 U.S.C. § 80b-9(d), the Commission Order is hereby enforced, and Jacobs and Acadia are directed to comply with the Commission Order.

II.

FURTHER ORDERED, ADJUDGED, AND DECREED that Jacobs and Acadia are jointly and severally liable for disgorgement and prejudgment interest in the amount of \$353,779.74. Jacobs and Acadia shall satisfy this obligation by paying this amount to the Commission within 14 days after entry of this Judgment.

Jacobs and Acadia may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Jacobs and Acadia may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169.

Payment shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Jacobs and Acadia's name as a defendant in this action; and specifying that such payment is being made pursuant to this Judgment.

Jacobs and Acadia shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Jacobs and Acadia relinquish all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Jacobs and/or Acadia.

The Commission shall hold the funds (collectively, the "Fund") and may propose a plan to distribute the Fund subject to the Court's approval. The Court shall retain jurisdiction over the administration of any distribution of the Fund. If the Commission staff determines that the Fund

will not be distributed, the Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Jacobs and Acadia shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

III.

FURTHER ORDERED, ADJUDGED, AND DECREED that Jacobs is liable for a civil penalty and interest pursuant to 31 U.S.C. § 3717 in the amount of \$302,720.51. Jacobs shall satisfy this obligation by paying this amount to the Commission within 14 days after entry of this Judgment.

Jacobs may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Jacobs and Acadia may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

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Payment shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Jacobs' name as a defendant in this action; and specifying that such payment is being made pursuant to this Judgment.

Jacobs shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Jacobs

relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Jacobs and/or Acadia. The Commission shall hold the funds, together with any interest and income earned thereon (collectively, the “Fund”), pending further order of the Court.

The Commission may propose a plan to distribute the Fund subject to the Court’s approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain jurisdiction over the administration of any distribution of the Fund. If the Commission staff determines that the Fund will not be distributed, the Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

Regardless of whether any such Fair Fund distribution is made, amounts ordered to be paid as civil penalties pursuant to this Judgment shall be treated as penalties paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Jacobs shall not, after offset or reduction of any award of compensatory damages in any Related Investor Action based on Jacobs’ payment of disgorgement in this action, argue that he is entitled to, nor shall he further benefit by, offset or reduction of such compensatory damages award by the amount of any part of Jacobs’ payment of a civil penalty in this action (“Penalty Offset”). If the court in any Related Investor Action grants such a Penalty Offset, Jacobs shall, within 30 days after entry of a final order granting the Penalty Offset, notify the Commission’s counsel in this action and pay the amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this Judgment. For purposes of this paragraph, a “Related Investor Action” means a private damages action brought against Jacobs by or on behalf of one or more investors based on substantially the same facts as alleged in the Complaint in this action.

The Commission may enforce the Court's judgment for the civil money penalty pursuant to the provisions of the Federal Debt Collection Procedure Act, 28 U.S.C. §§ 3001 - 3308 at any time after 14 days following entry of this Final Judgment. Jacobs and Acadia shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

IV.

FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: July 6, 2016

/s/D. Brock Hornby
D.BROCK HORNBY
UNITED STATES DISTRICT JUDGE